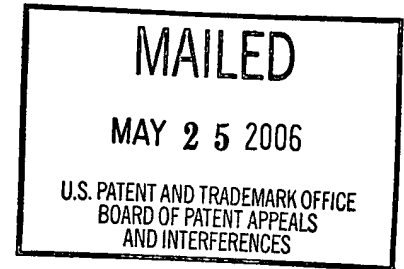


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte: MASAHIKO NAKANO

Application No. 10/619,034



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on April 5, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

EXAMINER'S ANSWER

On December 22, 2005, an Examiner's Answer was mailed. A review of the Examiner's Answer reveals that it is not in compliance with the Manual of Patent Examining Procedure MPEP § 1207.02(a). In the "Evidence Relied Upon" section of the Examiner Answer (section 8), the Examiner States: "No evidence is relied upon by the examiner in the rejection of the claims on appeal." However, the Manual of Patent Examining Procedure

MPEP § 1207.02(a) states:

(8) Evidence Relied Upon

A listing of evidence relied on (e.g., patents, publications, admitted prior art), and in the case of non-patent references, the relevant page or pages.

Correction of the record is required.

**CONCLUSION**

Accordingly, it is


**Ordered** that the application is returned to the Examiner for

- 1) vacate the Examiner's Answer mailed December 22, 2005;
- 2) issue a revised Examiner's Answer to include all required sections as set forth in 37

CFR § 41.37; and

- 3) for any further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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Application No. 10/619,034

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